

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

UNITED STATES OF AMERICA	:	
	:	
v.	:	Case No. 7:21CR00013
	:	
JAMES RUSSELL WEEKS, III	:	

SENTENCING MEMORANDUM

COMES NOW the United States of America, by counsel, having considered the sentencing factors set forth in 18 U.S.C. §3553(a), and says as follows as regards what it believes to be the correct and appropriate sentence for James Russell Weeks, III:

1. Mr. Weeks' offense conduct involves the operation of an unregistered drone aircraft. This operation was aggravated by his use of that aircraft to harass and annoy members of the Salem Fire Department while they were on duty. While this behavior was poorly considered, indeed foolish, no one was hurt, and the overall risk of harm to the community was relatively small. The seriousness of the offense calls for a lesser punishment.

2. The worst thing about Mr. Weeks is his criminal history. He is in Criminal History Category IV. This, in and of itself, is not favorable, and suggests an inability to follow society's rules. However, his last non-driving offense occurred in 2002. He did accumulate DUIs in 2007 and 2010, and his most recent conviction comes from 2015, where he was convicted of driving 99 mph in a 60 mph zone, assumedly on I-81. This 2015 offense, much like the instant offense, speaks of poor judgment. Mr. Weeks seems to have turned away from committing felony crimes, and his criminal history, although extensive, is old. Again, this suggests that a lesser punishment would be appropriate.

3. Mr. Weeks' history and characteristics are unusually favorable. He grew up in a stable family, is in a long-term domestic relationship, has no mental health issues, no meaningful history of substance abuse, graduated from high school, earned a welding certificate, and has worked consistently for many years. Frankly, Mr. Weeks is better situated than the vast majority of defendants that come before this Court; he was living a normal life at the time of the instant offense, and can have a normal future if he so desires.

WHEREFORE, taking into account the factors set forth in §3553(a), the United States recommends that James Russell Weeks, III not be sentenced to a term of incarceration, but rather to a meaningful term of probation supervision. This is a sentence which will provide just punishment for his actions, reinforce the need for respect for the law, protect the community, and otherwise advance the purposes set forth in 18 U.S.C. §3553(a).

Respectfully submitted,

CHRISTOPHER R. KAVANAUGH
United States Attorney

/s/ R. Andrew Bassford
R. Andrew Bassford
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that on February 14, 2022, I have electronically filed the foregoing Sentencing Memorandum with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/R. Andrew Bassford
Assistant United States Attorney